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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

V. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

1. The Commission considered agenda item 5 concurrently with item 6 (see chap. VI) at its 13th to 18th meetings, from 18 to 21 March, and at its 36th meeting, on 3 April, at its 56th meeting on 11 April, and at its 63rd meeting on 15 April 1997. 1/

2. For the documents issued under agenda item 5, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission and statements by the Chairman, see annex .. to the present report.

3. At the 14th meeting, on 19 March 1997, the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes, Ms. Fatma Zohra Ksentini, introduced her report (E/CN.4/1997/19). At the 18th meeting, on 21 March 1997, the Special Rapporteur made her concluding remarks.

4. At the 16th meeting, on 20 March 1997, the Chairperson-Rapporteur of the open-ended working group on structural adjustment programmes and economic, social and cultural rights, Ms. Lilia Bautista, introduced the report of the working group (E/CN.4/1997/20).

5. At the 17th meeting, on 20 March 1997, the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities on human rights and extreme poverty, Mr. Leandro Despouy, introduced his final report (E/CN.4/Sub.2/1996/13), on the understanding that this did not create a precedent for special rapporteurs of the Sub-Commission and that there were no financial implications.

6. In the general debate on agenda item 5, statements 2/ were made by the following members of the Commission: Algeria (17th), Angola (18th),

Argentina (15th), Bangladesh (16th), Bhutan (18th), Brazil (16th), Canada (16th), Chile (16th), China (14th), Cuba (14th), Ecuador (16th), Egypt (15th), El Salvador (18th), India (16th), Japan (14th), Malaysia (18th), Mexico (15th), Nepal (16th), Netherlands (on behalf of the European Union) (14th), Nicaragua (18th), Pakistan (16th), Republic of Korea (15th), Russian Federation (17th), South Africa (14th), Uganda (16th), Uruguay (16th), Zimbabwe (18th).

7. The Commission heard statements by the observers for: Armenia (16th), Costa Rica (15th), Honduras (13th), Iraq (16th), Libyan Arab Jamahiriya (16th), Marshall Islands (13th), Norway (18th), Poland (16th), Swaziland (13th), Tunisia (16th), Yemen (14th).

8. Statements were also made by the observers for the Food and Agriculture Organization of the United Nations (16th) and the United Nations Centre for Human Settlements (Habitat) (13th).

9. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (17th), American Association of Jurists (16th), Centre Europe-Tiers Monde (14th), Christian Democrat International (17th), Himalayan Research and Cultural Foundation (14th), Human Rights Advocates (13th), Indian Council of Education (17th), Indigenous World Association (15th), International Association of Democratic Lawyers (17th), International Association of Educators for World Peace (14th), International Educational Development, Inc. (15th), International Federation of Social Workers (14th), International Federation Terre des Hommes (14th), International Islamic Federation of Student Organizations (18th), International Indian Treaty Council (15th), International League for the Rights and Liberation of Peoples (17th), International Movement ATD Fourth World (17th), International Organization for the Development of Freedom of Education (15th), International Progress Organization (13th), Liberation (17th), Minority Rights Group (13th), Pax Christi International (17th), Pax Romana (13th), Sierra Club Legal Defense Fund, Inc. (15th), Transnational Radical Party (15th), United Towns Agency for North-South Cooperation (joint statement with International Association of Educators for World Peace) (14th), War Resisters International (15th), Women's International Democratic Federation (17th), Women's International League for Peace and Freedom (17th), World Muslim Congress (17th), World Organization against Torture (17th), World Peace Council (15th).

10. Statements in exercise of the right of reply or its equivalent were made by the representatives of Mexico (17th) and the Philippines (17th) and by the observers for Armenia (17th) and Azerbaijan (17th).

Human rights and unilateral coercive measures

11. At the 36th meeting, on 3 April 1997, the representative of Colombia introduced draft resolution E/CN.4/1997/L.13, sponsored by China and Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries). Equatorial Guinea subsequently joined the sponsors.

12. A statement in explanation of vote before the vote was made by the representative of the United States of America.

13. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 37 votes to 8, with 7 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, Philippines, Russian Federation, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Bulgaria, Canada, Germany, Japan, Netherlands, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Czech Republic, Denmark, France, Ireland, Italy, Ukraine.

14. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/7.

Human rights and the environment

15. At the 36th meeting, on 3 April 1997, the Commission took up consideration of draft decision E/CN.4/1997/L.19, sponsored by Ukraine. Equatorial Guinea and Venezuela subsequently joined the sponsor.

16. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/...

The right to food

17. At the 36th meeting, on 3 April 1997, the representative of Cuba introduced draft resolution E/CN.4/1997/L.21/Rev.1, sponsored by Angola, Bangladesh, Benin, Cameroon, China, Colombia, Cuba, Democratic People's Republic of Korea, Dominican Republic, El Salvador, Ethiopia, France, Guatemala, Haiti, Iran (Islamic Republic of), Iraq, Ireland, Italy, Madagascar, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Papua New Guinea, Portugal, Rwanda, Senegal, South Africa, Swaziland, Syrian Arab Republic, Uganda, Viet Nam and Yemen. Algeria, Canada, Denmark, Equatorial Guinea, Egypt, the Libyan Arab Jamahiriya, Mozambique, Nepal, Norway, Peru, the United Republic of Tanzania and Togo subsequently joined the sponsors.

18. Statements in explanation of vote before the vote were made by the representatives of Argentina and the United States of America.

19. The draft resolution was adopted without a vote. For the text of the resolution, as adopted, see chapter II, section A, resolution 1997/8.

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

20. At the 36th meeting, on 3 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.22 sponsored by Egypt on behalf of the Group of African States. Equatorial Guinea subsequently joined the sponsors.

21. Statements in explanation of vote before the vote were made by the representatives of Denmark, the Netherlands and the United States of America.

22. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 32 votes to 12, with 8 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Austria, Canada, Denmark, France, Germany, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belarus, Bulgaria, Czech Republic, Dominican Republic, Ireland, Malaysia, Philippines, Republic of Korea.

23. At the same meeting, statements in explanation of vote after the vote were made by the representatives of Japan and the Philippines.

24. For the draft resolution as adopted, see chapter II, section A, resolution 1997/9.

Effects on the full enjoyment of human rights on the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

25. At the 36th meeting, on 3 April 1997, the representative of Cuba introduced draft resolution E/CN.4/1997/L.23 sponsored by Angola, Benin, Cameroon, China, Cuba, the Democratic People's Republic of Korea, Egypt, Haiti, Iran (Islamic Republic of), Iraq, Madagascar, Mozambique, Nigeria, Swaziland, the Syrian Arab Republic, Uganda, Viet Nam and Yemen. Equatorial Guinea, Gabon, Ghana, the Sudan, the United Republic of Tanzania and Zimbabwe subsequently joined the sponsors.

26. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on the draft resolution, which was adopted by 34 votes to 15, with 3 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Ireland, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Czech Republic, Philippines, Republic of Korea.

27. At the same meeting, statements in explanation of vote after the vote were made by the representatives of Japan and the Philippines.

28. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/10.

Human rights and extreme poverty

29. At the 36th meeting, on 3 April 1997, the representative of France introduced draft resolution E/CN.4/1997/L.24, sponsored by Afghanistan, Algeria, Angola, Argentina, Austria, Bangladesh, Belgium, Benin, Cameroon, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, the Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Ireland, Italy, Madagascar, Mozambique, Nepal, Nicaragua, Papua New Guinea, Peru, Poland, Portugal, the Russian Federation, Rwanda, San Marino, Slovakia, South Africa, Spain, Switzerland, Uganda and Venezuela. Australia, Bhutan, Brazil, Bulgaria, Cape Verde, the Czech Republic, Ecuador, Equatorial Guinea, Honduras, Mexico, Mongolia, Mozambique, Norway, the Philippines, the Republic of Korea, Romania, Senegal, Sweden, Togo, Uruguay and Ukraine subsequently joined the sponsors.

30. The representative of France orally revised the draft resolution by inserting after operative paragraph 7 (e) a new sub-paragraph, which read as follows:

> "Submit to the Commission at its fifty-fourth session, in accordance with agreed conclusions 1996/1 of the Economic and Social Council, a report, to be prepared by the Centre for Human Rights and the Division for the Advancement of Women, on the obstacles encountered and progress achieved in the field of women's rights relating to economic resources, the elimination of poverty and economic development, in particular for women living in extreme poverty;"

31. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/11.

32. In view of the adoption of resolution 1997/11, the Commission took no action on draft decision 3 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

Economic, social and cultural rights

33. At the 56th meeting, on 11 April 1997, the observer for Portugal introduced draft resolution E/CN.4/1997/L.26/Rev.1, sponsored by Belarus,

Belgium, Bulgaria, Chile, the Czech Republic, Denmark, Equatorial Guinea, Finland, France, Germany, Greece, Italy, Luxembourg, Madagascar, Malta, Mexico, Nepal, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Slovakia, South Africa, Spain, Switzerland, Uganda, Ukraine and Venezuela. Australia, Austria, Canada, Cape Verde, India, Ireland, the Philippines, Sweden and Uruguay subsequently joined the sponsors.

34. A statement in explanation of vote before the vote was made by the representative of the United States of America.

35. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/17.

Effects of structural adjustment policies on the full enjoyment of human rights

36. At the 36th meeting, on 3 April 1997, the representative of the Philippines introduced draft decision E/CN.4/1997/L.27, sponsored by the Philippines. Equatorial Guinea subsequently joined the sponsor.

37. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

38. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on the draft decision, which was adopted by 36 votes to 13, with 3 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Uruguay, Zaire and Zimbabwe.

Against: Austria, Belarus, Bulgaria, Canada, France, Germany, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

Abstaining: Czech Republic, Denmark, Ireland.

39. For the text of the decision as adopted, see chapter II, section B, decision 1997/..

Human rights and income distribution

40. At its 36th meeting, on 3 April 1997, the Commission considered draft decision 4, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I, sect. B).

41. At the request of the representative of Germany, consideration of the draft decision was postponed.

42. At the 63rd meeting, on 15 April 1997, the proposed amendments to draft decision 4 by the representative of the Netherlands (on behalf of the European Union) (E/CN.4/1997/L.104) were adopted without a vote.

43. The draft decision, as amended, was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/..